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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 AARON JACKSON,

10 Plaintiff,

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12 v.

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14 HEATHER SHIRLEY, *et al.*,

15 Defendants.
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Case No. 1:23-cv-00509-EPG (PC)

ORDER TO ASSIGN A DISTRICT JUDGE

AND

**ORDER REQUIRING STATEMENTS
FROM PARTIES REGARDING
SCHEDULE AND DISCOVERY**

THIRTY (30) DAY DEADLINE

17 The Court has screened Plaintiff's complaint (ECF No. 11) and has ordered the case to
18 proceed on Plaintiff's Eighth Amendment conditions of confinement claims against Defendants
19 Shirley, Degough, and Cronjager (ECF No. 12). Defendants have appeared and filed an Answer.
20 (ECF No. 22). In addition, "[a]fter investigating the claims and speaking with Plaintiff,"
21 Defendants filed a notice (ECF No. 21) that they "do not believe that a settlement conference
22 would be productive at this time." Accordingly, the Court will not set a settlement conference at
23 this time and will proceed to issuing a scheduling order in this case. However, to the extent any
24 claims remain following a ruling on dispositive motions, no later than 14 days after the final order
25 on dispositive motions, Defendants shall file an updated report regarding whether Defendants
26 want the Court to set a settlement conference.

27 Before scheduling this case, the Court will require each party to submit a statement
28 regarding the schedule and discovery matters.

1 The statements regarding the schedule and discovery shall be filed within thirty days from
2 the date of service of this order. They should be filed with the Court, titled “SCHEDULING AND
3 DISCOVERY STATEMENT,” and include the name of the party filing the statement. They shall
4 address all of the following issues:

- 5 i. A brief summary of the parties’ claims and/or defenses.
- 6 ii. The name and, if known, the address and telephone number of each witness,
7 besides expert witnesses, the party may call at trial.
- 8 iii. A description by category and location of all documents the party may use at
9 trial.
- 10 iv. Whether any third parties, other than Plaintiff’s institution of confinement, are
11 likely to have relevant documents.
- 12 v. Whether the party intends to use expert witnesses.
- 13 vi. If a settlement conference has not occurred, when the party will be prepared to
14 participate in a settlement conference.

15 Defendants’ Scheduling and Discovery Statement shall also address all of the following
16 issues:

- 17 vii. Whether a third-party subpoena directed at Plaintiff’s institution of
18 confinement will be necessary to obtain relevant documents.
- 19 viii. Whether Defendants intend to challenge the issue of exhaustion and, if so,
20 when Defendants will be ready to file a motion for summary judgment
21 regarding the issue of exhaustion.
- 22 ix. Whether witness statements and/or evidence were generated from
23 investigation(s) related to the event(s) at issue in the complaint, such as an
24 investigation stemming from the processing of Plaintiff’s grievance(s).¹

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26 ¹ See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) (“[P]roper exhaustion improves the quality of those
27 prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative
28 record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance,
witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and
preserved.”).

x. Whether there are any video recordings or photographs related to the incident(s) at issue in the complaint, including video recordings and photographs of Plaintiff taken following the incident(s).

xi. Whether Defendants intend to argue that Defendants are not properly named because they are not the individual(s) responsible for the action(s) described in the complaint (*i.e.*, someone else did or is responsible for the action(s) alleged in the complaint).

Finally, any party may also include any information that the party believes would assist in discovery and/or scheduling the case.

In addition, **IT IS ORDERED** that:

1. The Clerk of Court is directed to assign a district judge to this case.

IT IS SO ORDERED.

Dated: August 14, 2024

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE